IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4765 OF 2004

Santosh Chandrakant Parab ... Applicant

versus

State of Maharashtra ... Respondent

..

Mr. Prashant Badole holding for Mr. K.S. Patil, for the Applicant.

Mr. S.R. Shinde, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

3rd November 2004

P.C.:

. Heard Counsel for the parties. It is not in dispute that the Applicant was on bail before he was taken into protected custody as required by section 306 of the Code. It is also not in dispute that recording of evidence insofar as the Applicant is concerned is completed on 12th July 2004. The trial of accused Nos. 1 and 2 has been separated in terms of order dated 9th July 2004. If it is so, there is no reason why the

custody of the Applicant can be insisted upon. Accordingly, this application is allowed in terms of prayer clause (a), which reads as follows.

> " That the protective custody granted to him (the Applicant) by the Hon'ble Court of Sessions, Mumbai, vide its order dated 09.07.2004 be raised/revoked and he may be released on earlier bail granted to him by Court of Sessions, Mumbai in B.A. No. 47 of 1990 on 6.2.1990."

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)